IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 531 OF 2006

Devchand Suryabhan Rathod & Ors.. .. Applicants.

Versus

The State of Maharashtra. .... Respondent.

Mr. A.P.Mundargi with Mr.Anil B.Wagh
for the Applicants.

Mr. S. S.Tatkare, APP for the State.

CORAM : V. M. KANADE, J.

DATED : 15TH FEBRUARY, 2006.

P.C.:

Heard learned Counsel for the Applicants and the learned APP for the State.

2. The Applicants are the in-laws of deceased Archana and are permanently residing at Village Hiwalani, Tal. Pusad, Dist. Yeotmal. The deceased was staying with her husband at Ulhasnagar.

3. On 31st January, 2006 she sustained burn injuries and was admitted in Central Hospital at Ulhasnagar. However, she succumbed to the injury and died. It is

submitted by the learned Counsel appearing for the Applicants that the Applicants at the time of the incident were at their native place and therefore they were not concerned in any manner with the death of Archana. Learned APP after taking instruction has submitted that none of the witnesses have stated that at the time of the incident the Applicants were seen in the house of the deceased. He, however, submitted that in the complaint which was lodged, allegations have been made against these Applicants that on an earlier occasion they had demanded dowry from the deceased and her parents and a meeting had taken place at Pune.

4. Considering the evidence and the material which is on record, in my view, the Applicants cannot be said to be in any way involved in the offence punishable under Section 302 of the Indian Penal Code and their presence has not been established by the prosecution. In view of the absence of any material on record, in my view, the Applicants are entitled to be released on bail.

5. Accordingly, the Applicants be released on bail in the sum of Rs.5,000/- each with one or two sureties in

the like amount. Applicant No. 1 to report to the Washim Police Station, Dist. Washim; Applicant Nos. 2 and 3 to report to Bhiwandi Police Station and Applicant Nos.4 and 5 to report to Pusad Police Station, Dist. Yeotmal, twice in a month. They shall co-operate with the police in the investigation and as and when they are called they will report to the Investigating Officer till the filing of the charge sheet.

6. The Application is disposed of in the terms aforesaid.

Sd/-

(V. M. KANADE, J.)